

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PC-PALLADIO, LLC,

Plaintiff/Judgment-Creditor,

- against -

CRAIG NASSI,

Defendant/Judgment-Debtor.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>04/23/2014</u>

Civil Action No. 13-Misc-00234

STIPULATION OF DISMISSAL

WHEREAS, on May 1, 2013, the United States District Court for the Northern District of Illinois entered judgment against Defendant/Judgment-Debtor Craig Nassi in the amount of \$20,161,454.25 (the "Judgment"); and

WHEREAS, Plaintiff/Judgment-Creditor PC-Palladio, LLC registered the Judgment in this Court and thereafter proceeded in this Court with proceedings to enforce the Judgment; and

WHEREAS, this Court issued an Opinion and Order dated November 27, 2013, providing, inter alia, that Defendant/Judgment-Debtor was forbidden to make or suffer any sale, assignment, transfer or interference with any property, real or personal, alluded to in Defendant/Judgment-Debtor's August 23, 2013 and November 18, 2013 financial statements prepared by J.A. Bush and Associates (the "Financial Statements"), in which he has an interest, including but not limited to art, antiques, or jewelry located in Denver, Colorado (ECF Docket No. 89); and

WHEREAS, in connection with the above-captioned action, Plaintiff/Judgment-Creditor PC-Palladio, LLC served Information Subpoenas with Restraining Notices on Bijan

Nassi individually and as the managing member of several limited liability companies of which Bijan Nassi is a member; and

WHEREAS, Plaintiff/Judgment-Creditor PC-Palladio, LLC sought by motion the turnover of assets and other similar relief by Bijan Nassi individually and as the managing member of certain limited liability companies of which both Bijan Nassi and Defendant/Judgment-Debtor are both members, specifically 242 Fifth Realty LLC, 224 Centre Realty, LLC, West 176th Street Realty, LLC, and 315 Park Ave S, LLC (collectively the “Bijan Nassi Entities”) (Bijan Nassi together with the Bijan Nassi Entities hereinafter referred to as the “Bijan Nassi Parties”), and by the Bijan Nassi Entities;

WHEREAS, Plaintiff/Judgment Creditor PC Palladio, LLC also sought by motion turnover of certain assets and other similar relief against the Defendant/Judgment-Debtor, this Court issued an Opinion and Order dated February 14, 2014, granting in part and denying in part various motions filed by the Plaintiff/Judgment-Creditor PC-Palladio, LLC, and determining that the remaining issues of fact relating to the Plaintiff/Judgment-Creditor PC-Palladio, LLC claims against the Defendant/Judgment-Debtor and the Bijan Nassi Parties were to be determined at trial (ECF Docket No. 126) (the “February 14 Order”); and

WHEREAS, on March 5, 2014, this Court ordered that trial between Plaintiff/Judgment-Creditor PC-Palladio, LLC, on one hand, and the Bijan Nassi Parties, on the other hand, was to proceed separately from trial between Plaintiff/Judgment-Creditor PC-Palladio, LLC and the Defendant Judgment-Debtor (ECF Docket No. 154); and

WHEREAS, on March 21, 2014, on this Court granted the February 27, 2014 motion of Swinerton Builders (“Swinerton”) to intervene as a co-Plaintiff/Judgment-Creditor on the Docket

of the above-captioned matter, based, inter alia, on an arrangement in principal between Plaintiff/Judgment-Creditor PC-Palladio, LLC and Plaintiff/Judgment-Creditor Swinerton to allocate recovered assets amongst themselves (EFC Docket No. 174); and

WHEREAS, on April 2, 2014, this Court issued an Opinion and Order vacating a portion of the February 14 Order that granted certain summary relief against the Bijan Nassi Parties and directed that other issues be determined at trial (ECF Docket No. 177); and

WHEREAS, a Final Pre-Trial Conference has been scheduled before this Court for May 5, 2014; and

WHEREAS, the Plaintiff/Judgment-Creditor PC-Palladio, Plaintiff/Judgment Creditor Swinerton, Defendant Judgment-Creditor, and the Bijan Nassi Parties have reached a complete settlement of the above-captioned action memorialized in a Settlement Agreement and Release made and entered into as of April 17, 2014, which obviates the need for trial or any further proceedings before this Court;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between counsel for Plaintiff/Judgment-Creditor PC-Palladio, Plaintiff/Judgment Creditor Swinerton, the Bijan Nassi Parties, and Defendant/Judgment-Debtor (Pro Se) that the above-captioned action be and hereby is dismissed in its entirety pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, without prejudice and without costs to any of the parties, and that: (i) the restraints issued by the Court on any property, real or personal, alluded to in Financial Statements, including by Order dated November 27, 2012 (ECF Document No. 89) are hereby removed; (ii) the restraints issued by this Court on the bank accounts of BCN Management LLC and Caffetino LLC, including by Order dated February 19, 2014 (ECF Document No. 129) are hereby removed; and (iii) that portion of the February 14 Order directing

turnover by Defendant/Judgment Debtor of certain assets, including cash, art and jewelry listed in the Financial Statements, is hereby vacated as moot.

IT IS FURTHER STIPULATED AND AGREED that this stipulation may be filed with the facsimile, counterpart signatures of counsel.

Dated: New York, New York
April 22, 2014

STORCH AMINI & MUNVES PC
Attorneys for Plaintiff-Judgment Creditor
PC-Palladio, LLC

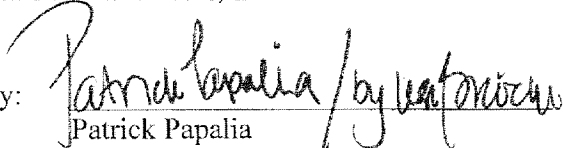
CRAIG NASSI (Pro Se)
Defendant-Judgment Debtor

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By: _____
Craig Nassi

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PECKAR & ABRAMSON, P.C.
Plaintiff/Judgment Creditor
Swinerton Builders

By:  _____
Patrick Papalia
44 Wall Street, Suite 1285
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By: _____
Gregory H. Chertoff
Bradley Sussman
41 Madison Avenue
New York, NY 10010

SO ORDERED:

United States District Judge

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IT IS FURTHER STIPULATED AND AGREED that this stipulation may be filed with the facsimile, counterpart signatures of counsel.

Dated: New York, New York
April 22, 2014

STORCH AMINI & MUNVES PC
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PC-Palladio, LLC

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Plaintiff /Judgment Creditor
Swinerton Builders

By: _____

Gregory H. Chertoff
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SO ORDERED:

United States District Judge

April 23, 2014